

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

NINTH LEGISLATIVE DAY
TUESDAY, JANUARY 17, 2006

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Brandt, Burkett, Cameron, and Pearce, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Chris MacMillan, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 16, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions and Memorials

Senator Cameron was recorded present at this order of business.

SJR 103

BY WERK

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO INITIATIVES TO PROVIDE THAT NO INITIATIVE OF THE PEOPLE ENACTED INTO LAW SHALL BE SUBJECT TO REPEAL IN ITS ENTIRETY BY THE LEGISLATURE, AT ANY TIME, WITHOUT ITS SUBMISSION TO THE ELECTORATE AT THE GENERAL ELECTION IN AN EVEN-NUMBERED YEAR IN A MANNER AS PROVIDED BY LAW; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY

LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

SJM 114

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE UNITED STATES SECRETARY OF ENERGY, TO THE LEADERSHIP OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the United States of America has become excessively dependent upon foreign sources of oil, and that dependence threatens the security of the American people and economy; and

WHEREAS, it is in the best interests of the United States and Idaho to become as energy independent and diversified as possible to avoid economic dislocations instigated by foreign oil interests, markets and the effects of natural disasters; and

WHEREAS, comprehensive energy legislation signed into law in 2005 advocates the expansion of nuclear energy for the production of electrical power and hydrogen, as well as the development of bioenergy and other alternative fuels to reduce dependence on foreign sources of oil; and

WHEREAS, the United States Department of Energy (DOE) is the federal agency that has primary responsibility for carrying out the directives of the President and the Congress relative to enabling and enhancing the energy security of the nation; and

WHEREAS, the DOE's Idaho National Laboratory (INL) is a key national research, development and demonstration resource wherein the federal government has invested significant tax dollars to establish such unique and globally important assets as the Advanced Test Reactor, the Safety and Tritium Applied Research Fusion Facility, the Control Systems Security and Test Center, and others, all of which demand continued, or even expanded, use to assure maximum return on tax dollar investment; and

WHEREAS, the state of Idaho appreciates the effective, expedited cleanup that has occurred in accordance with the 1995 Settlement Agreement, and is committed to hosting continued broad-spectrum, national priority nuclear research in Idaho as fully allowed by that agreement; and

WHEREAS, such nuclear research promises to advance our national interests and critical need for safe, greenhouse gas free generation of abundant energy with dramatically reduced waste concerns.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we support and encourage the DOE, the Administration and the Congress to identify, commit and sustain the funding necessary to allow design, development, testing and demonstration in Idaho at INL of safe, state of the art, advanced nuclear energy systems that can, ultimately, be commercially replicated in other locations throughout the United States and throughout the world.

BE IT FURTHER RESOLVED that the Legislature supports execution of an enhanced portfolio of bioenergy, hydropower, fuel reforming and related alternative and renewable energy research in Idaho at INL, and hereby requests that the DOE, the Administration and the Congress identify, commit and sustain the funding necessary to allow continued performance of this and other multiprogram energy and national security enhancing work so critical to the long-term well-being of these United States.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of Energy of the United States, President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

SJR 103 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

SJM 114 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 17, 2006

The JUDICIARY AND RULES Committee reports that **S 1255**, **S 1256**, and **SJM 113** have been correctly printed.

DARRINGTON, Chairman

S 1255 and **S 1256** were referred to the Judiciary and Rules Committee.

SJM 113 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 16, 2006

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Anthony R. McDermott to the Idaho Fish and Game Commission, term to expire June 30, 2009.

SCHROEDER, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

Senator Pearce was recorded present at this order of business.

S 1257 BY WERK AN ACT

RELATING TO INITIATIVES AND REFERENDUMS; AMENDING CHAPTER 5, TITLE 67, IDAHO CODE, BY THE

ADDITION OF A NEW SECTION 67-515, IDAHO CODE, TO PROVIDE THAT THE REPEAL, IN ITS ENTIRETY BY THE LEGISLATURE, OF ANY MEASURE OR STATUTE APPROVED BY INITIATIVE SHALL NOT BECOME EFFECTIVE UNTIL THE VOTERS APPROVE OF THE REPEALER, TO PROVIDE THAT SUCH A REPEAL WILL BE OF TEMPORARY EFFECT, TO PROVIDE THE EFFECT IF A MAJORITY OF VOTERS VOTING ON THE QUESTION DO NOT APPROVE OF THE REPEAL AND TO PROVIDE THAT THE QUESTION ON THE BALLOT SHALL BE TREATED AS A REFERENDUM; AMENDING SECTION 34-1803, IDAHO CODE, TO PROVIDE THAT THE REPEAL, IN ITS ENTIRETY, BY THE LEGISLATURE, OF ANY MEASURE OR STATUTE APPROVED BY INITIATIVE SHALL CAUSE ALL REQUIREMENTS FOR SIGNATURES AND PETITIONS FOR A REFERENDUM TO BE WAIVED, AND SHALL, FOR PURPOSES OF THE LAW ON REFERENDUMS, CONSTITUTE THE SUFFICIENT NUMBER OF SIGNATURES AND THE PETITION PURSUANT TO THE LAW ON REFERENDUMS AND THE MEASURE SHALL BE REFERRED TO THE NEXT BIENNIAL REGULAR ELECTION FOR THE VOTERS TO VOTE UPON; AMENDING SECTION 34-1809, IDAHO CODE, TO PROVIDE DUTIES OF THE ATTORNEY GENERAL REGARDING BILLS APPROVED BY THE LEGISLATURE REPEALING, IN ITS ENTIRETY, A STATUTE OR MEASURE APPROVED BY INITIATIVE; AND PROVIDING AN EFFECTIVE DATE.

S 1258

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-401, IDAHO CODE, TO PROVIDE AN EXCEPTION FROM HUNTING, TRAPPING AND FISHING LICENSE REQUIREMENTS FOR RESIDENTS OF CERTAIN STATE LONG-TERM CARE FACILITIES.

S 1259

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO WATER DISTRICTS; AMENDING SECTION 42-605, IDAHO CODE, TO REVISE NOTIFICATION PROVISIONS RELATING TO WATER DISTRICT MEETINGS AND TO MAKE A TECHNICAL CORRECTION.

S 1260

BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO HORSE RACING; AMENDING SECTION 54-2502, IDAHO CODE, TO DEFINE "PARI-MUTUEL" AND "SIMULCAST" AND TO REVISE THE DEFINITION OF "HORSEMEN'S GROUP."

S 1261

BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO HORSE RACING; AMENDING SECTION 54-2508, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE LICENSE APPLICATION REQUIREMENTS FOR RACE MEETS, TO REVISE LICENSE SPECIFICATION PROVISIONS, TO PROVIDE FOR THE SIMULCAST PURSE MONEYS FUND, TO PROVIDE RULEMAKING AUTHORITY AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

S 1262
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO HORSE RACING; AMENDING SECTION 54-2512, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE APPLICATION PROVISIONS FOR LICENSES AUTHORIZING SIMULCAST AND/OR TELEVISED RACES AND TO REVISE PROVISIONS RELATING TO ADVANCE DEPOSIT WAGERING; AND DECLARING AN EMERGENCY.

S 1263
BY FINANCE COMMITTEE
AN ACT

RELATING TO APPROPRIATIONS; STATING FINDINGS OF THE LEGISLATURE; APPROPRIATING ADDITIONAL MONEYS FOR FISCAL YEAR 2006 TO STATE AGENCIES AND STATE INSTITUTIONS FOR A SALARY INCREASE FOR EMPLOYEES; AND DECLARING AN EMERGENCY.

S 1257, S 1258, S 1259, S 1260, S 1261, S 1262, and S 1263 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:15 a.m. until the hour of 11:30 a.m., Wednesday, January 18, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary